

## REMARKS

The Office provisionally rejected claims 1-20 on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over co-pending Application No. 10/710,936.

Co-pending Application No. 10/710,936 and the present application are commonly owned by IntelliServ, Inc. as evidenced by the assignment of both, recorded at Reel and Frame No. 016106/0590. Accordingly, a timely and properly executed terminal disclaimer in compliance with 37 CFR 1.321(c) is enclosed. Applicants respectfully submit that in view of the terminal disclaimer that claims 1-20 are now allowable, and respectfully request that a timely notice of allowance be granted in this case.

As indicated on the Electronic transmittal form please charge \$130.00 to Deposit Account 180584 for the fee associated with the terminal disclaimer. The Applicants believe that there are no other fees due at this time; however, the Commissioner is hereby authorized to charge any fees which may be required at any time during the prosecution of this application without specific authorization, or credit any overpayment to Deposit Account 180584. If there are any questions concerning the above, please contact the undersigned at 832-681-8623.

Respectfully submitted,

/Jeffery E. Daly/

Electronically signed by Jeffery E. Daly on 1/25/07

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CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to Commissioner for Patents, Alexandria, VA 22313-1450 or by facsimile or electronic transmission to the U.S. Patent and Trademark Office on the date shown below.

1/25/07                      /Jeffery E. Daly/  
Date                              E-Signature